

PATENT COOPERATION TREATY

in advance of
202-824-8980

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
VIETZKE, Lance L.
DORSEY & WHITNEY LLP
1001 Pennsylvania Avenue N.W.
Suite 300, South
Washington, DC 20004
ETATS-UNIS D'AMERIQUE

PCT

WRITTEN OPINION

(PCT Rule 66)

Date of mailing (day/month/year) 04.12.2001	
Applicant's or agent's file reference 5281.01	REPLY DUE within 3 month(s) from the above date of mailing
International application No. PCT/US01/04946	International filing date (day/month/year) 07/03/2001
Priority date (day/month/year) 07/03/2000	
International Patent Classification (IPC) or both national classification and IPC G06F17/30	
Applicant DISCOVERY COMMUNICATIONS, INC.	

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.
2. This opinion contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☒ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain document cited
 - VII ☐ Certain defects in the international application
 - VIII ☒ Certain observations on the international application
3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 07/07/2002.

Name and mailing address of the international preliminary examining authority: European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer / Examiner Guettlich, J <i>Wku</i> Formalities officer (incl. extension of time limits) Schalinatus, D Telephone No. +49 89 2399 8242
---	--

I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, pages:

1-88 as originally filed

Claims, No.:

1-52 as originally filed

Drawings, sheets:

1/59-59/59 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

II. Priority

1. ☐ This opinion has been established as if no priority had been claimed due to the failure to furnish within the prescribed time limit the requested:

☐ copy of the earlier application whose priority has been claimed.

☐ translation of the earlier application whose priority has been claimed.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid.

Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:
see separate sheet

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement
- | | | |
|-------------------------------|--------|-----------------|
| Novelty (N) | Claims | 8-29,32 |
| Inventive step (IS) | Claims | 1-7,30,31,33-52 |
| Industrial applicability (IA) | Claims | |

2. Citations and explanations
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

Reference is made to the following documents:

- D1: WO 99 12349 A (DISCOVERY COMMUNICAT INC), 11 March 1999, cited in the application
- D2: WO 99 44144 A (HEUTSCHI THEODOR; INTERNOVA HOLDING AG (CH)), 2 September 1999
- D3: WO 95 15649 A (DISCOVERY COMMUNICAT INC; HENDRICKS JOHN S (US)), 8 June 1995, cited in the application
- D4: RAUCH T ET AL: 'Enabling the book metaphor for the World-Wide-Web: disseminating on-line information as dynamic Web documents' IEEE TRANSACTIONS ON PROFESSIONAL COMMUNICATION, IEEE INC. NEW YORK, US, vol. 40, no. 2, June 1997, pages 111-128, XP002142136, ISSN: 0361-1434

Re Item II

Priority

Claims 8-27 currently on file are identical with claims 11 and 33-51 published in D1. Consequently, it is doubtful whether the claimed priority is valid.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- V.1 The subject-matter of claims 8-27 is not new (Art.33(2) PCT), because the claimed subject-matter is identical to the one claimed in D1 (see item II above).
- V.2 The subject-matter of claims 1-7 and 33-52 does not involve an inventive step and does not satisfy the criterion set forth in Article 33(3) PCT for the following reasons:
 - D1 describes a 'world watch live' system without mentioning the use of an electronic book viewer as a display and communications device. This description includes details about
 - actual or perceived remote camera control (selection of certain views)
 - use of web site, administration units, switches, communication devices
 - use of wide angle lenses and the related compensation of distortion

- panning as a function of activity, etc.
- display functionality (e.g. tiling, PIP)

The problem to be solved by the present invention may therefore be regarded as how to provide an alternative end user terminal for the control of remote cameras in a 'world watch live scenario'.

From D2 it is generally known that an electronic book viewer is able to obtain any kind of information from the Internet (p.4, 3rd para) with the help of usual control buttons/functions (p.11, last para). The use of different media for the data transfer is also mentioned (p.3, 2nd para).

Therefore, choosing an electronic book viewer is merely one of several straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

V.3 The subject-matter of claims 28, 29 and 32 is not new (Art.33(2) PCT), because an electronic book capable to download data from the Internet and comprising related link/control functions is already known from D2.

V.4 The subject-matter of claims 30 and 31 cannot be considered as involving an inventive step (Art.33(3) PCT).

Although it is not explicitly mentioned in D2 that a television set or a personal computer can be used for the display of an electronic book, the knowledge of such alternatives seems to be generally available for a person skilled in the art (see citations in D3 and D4).

Re Item VIII

Certain observations on the international application

The independent claim 41 is not clear (Art.6 PCT), because it is formulated as if a computer-readable medium comprises a number of hardware items.